

**Office of the Undersigned
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July 29, 2010

Anatin,
United States Bankruptcy Court, Southern District
One Bowling Green,
New York, New York 10004

Re: Adv. Pro. No. 08-1789 (BRL)
Bernard L. Madoff Investment Securities, LLC.
Appeal Document number 2106 Dated 3-24-2010

Dear Anatin,

I hereby withdraw my appeal on behalf of Josef Mittlemann and Just Empire, LLC under file number 2106 in the above matter. I understand from Mr. Picard, that any determination by the Court of Appeals will apply to all victims in the Madoff matter.

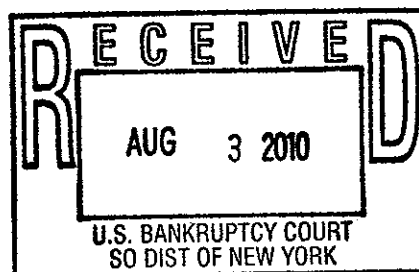
I have also attached the original filing I made as pro se.

Thank you for your cooperation in this matter.

Very truly yours,


Josef Mittlemann

 *Managing Member*
Just Empire, LLC by Josef Mittlemann as managing member.



**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Appellant,

V.

**BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,**

Defendant.

SIPA LIQUIDATION
(Substantively Consolidated)
Adv. Pro. No. 08-01789 (BRL)

NOTICE OF APPEAL

In re:

BERNARD L. MADOFF,

Debtor.

PLEASE TAKE NOTICE that Josef Mittlemann and Just Empire, LLC hereby appeal under 28 U.S.C. § 158(d)(2) to the United States Court of Appeals for the Second Circuit from the Order entered by the Bankruptcy Court for the Southern District of New York in the above referenced proceeding on March 8, 2010 (the “Order”), pursuant to the Certification of Net Equity Order issued by the Bankruptcy Court on March 8, 2010 (the “Certification”).

PLEASE TAKE FURTHER NOTICE that, in the event that the United States Court of Appeals for the Second Circuit does not authorize the appeal, Appellants in the

alternative hereby appeal the Order under 28 U.S.C. § 158(a)(1) to the United States District Court for the Southern District of New York.

In the event that it is necessary, this Notice should be deemed a motion for leave to appeal under 28 U.S.C. § 158(d)(2) to the United States Court of Appeals for the Second Circuit or under 28 U.S.C. § 158(a)(3) to the United States District Court for the South District of New York for the reasons set forth in the Certification, the Order, and the Memorandum Decision dated March 1, 2010 granting the Trustee's motion for the Order, or that Appellants be allowed to file a motion for leave to appeal.

The names of all parties to the Order appealed from and the names, addresses, and telephone numbers of their respective counsel are as follows:

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Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

SECURITIES INVESTOR PROTECTION CORPORATION

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SECURITIES AND EXCHANGE COMMISSION

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Arlene Perlis
Gunther and Margaret Unflat
Lawrence R. Velvel
Alan J. Winters

Dated: Providence, Rhode Island
March 22, 2010

Respectfully submitted,

/s/ Josef Mittlemann
Josef Mittlemann

/s/ Josef Mittlemann
Josef Mittlemann, Managing
Member of Just Empire, LLC,
Customer/Claimant

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